S.B.CIVIL WRIT PETITION NO.2663/2007

Pradeep Gang
v.
State of Rajasthan & Ors.

Date of Order :: 2nd August, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. J.P.Joshi, for the petitioner.
Mr. Rameshwar Dave, Dy. Govt. Advocate.
Mr. Vijay Bishnoi, for the applicant "Shri Oswal Singh Sabha".

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By an order dated 23.4.2007 the Deputy Secretary to the Government of Rajasthan, Department of School and Sanskrit Education (Group-5), while exercising powers under sub-sec.(1) of Section 10 of the Rajasthan Non-Government Educational Institutions Act, 1989 (hereinafter referred to as "the Act of 1989"), took over the management of "Sardar Higher Secondary School, Jodhpur" and appointed the District Education Officer (Secondary), Jodhpur as an administrator to exercise control over the assets of the institution for a period of six months. The order aforesaid is under challenge in this petition for writ.

It is contended by counsel for the respondent State that during pendency of the petition for writ an order dated 20.7.2007 is passed by the Government instructing the District Education Officer

(Secondary), Jodhpur to hand over charge of the management committee of the institution to its president , as such the petition for writ has become infructuous.

A doubt is created by counsel for the petitioner about intentions of the respondent State as the order dated 20.7.2007 refers to hand over charge to the president of the institution and not to the management committee existing prior to 23.4.2007.

I am of the opinion that such doubt is absolutely ill-founded as under sub-sec.(2) of Section 10 of the Act of 1989 “where, before the expiry of the period fixed under sub-section (1), the State Government is of opinion that it is not necessary to continue the management of the institution by an administrator, such management shall be restored to the managing committee”, thus, by order dated 20.7.2007 the intention of the State Government is only to restore management of the institution with management committee that was managing affairs of the institution prior to 23.4.2007, however, just as a precautionary measure the District Education Officer (Secondary), Jodhpur is directed to ensure execution of the order dated 20.7.2007 in accordance with the provisions of sub-sec.(2) of Section 10 of the Act of 1989.

An application is preferred by “Shri Oswal Singh Sabha, Jodhpur” to become a party to the proceedings, however, no order is required to be passed on the application aforesaid in view of the fact that the writ petition itself has become infructuous in light of the order dated 20.7.2007 referred above.

The writ petition is disposed of in terms of the observations made above.

No order to costs.

(GOVIND MATHUR),J.

Kkm/ps.